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CLOSED

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CRIMINAL DOCKET FOR CASE #: 2:17-mj-08020-JZB All Defendants**

16 CR 793

Case title: USA v. Persaud

Date Filed: 01/11/2017

Other court case number: 16 CR 793 Northern District of
Illinois

Date Terminated: 01/18/2017

FILEDAssigned to: Magistrate Judge John Z
Boyle

JAN 18 2017 1:11 PM
1-18-17
THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Defendant (1)**Michael Persaud***TERMINATED: 01/18/2017**also known as***Michael Pearson***TERMINATED: 01/18/2017**also known as***Michael Prescott***TERMINATED: 01/18/2017**also known as***Jeff Martinez***TERMINATED: 01/18/2017*represented by **Jane L McClellan**Federal Public Defenders Office -
Phoenix

850 W Adams St., Ste. 201

Phoenix, AZ 85007

602-382-2700

Fax: 602-382-2800

Email: jane_mcclellan@fd.org

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Public Defender or
Community Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

18:1343 - Wire Fraud

Disposition

Plaintiff

USA

represented by **Amy Elizabeth Brown**
 US Attorneys Office - Phoenix, AZ
 2 Renaissance Square
 40 N Central Ave., Ste. 1200
 Phoenix, AZ 85004-4408
 602-514-7587
 Fax: 602-514-7537
 Email: Amy.Brown3@usdoj.gov
 TERMINATED: 01/13/2017
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED
 Designation: Assistant US Attorney

Jillian Besancon
 US Attorneys Office - Phoenix, AZ
 2 Renaissance Square
 40 N Central Ave., Ste. 1200
 Phoenix, AZ 85004-4408
 602-514-7581
 Fax: 602-514-7693
 Email: jillian.besancon@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED
 Designation: Assistant US Attorney

Date Filed	#	Docket Text
01/11/2017	<u>1</u>	Arrest (Rule 5 Northern District of Illinois Warrant) of Michael Persaud. (MAP) (Entered: 01/11/2017)
01/11/2017	<u>2</u>	MINUTE ENTRY for proceedings held before Magistrate Judge John Z Boyle: Initial Appearance in Rule 5(c)(3) Proceedings as to Michael Persaud held on 1/11/2017. FINANCIAL AFFIDAVIT TAKEN. Appointment of Counsel Hearing held. Appointing Jane L McClellan (AFPD). Detention and Status Hearing Re Identity set for 1/12/2017 at 04:30 PM before Magistrate Judge John Z Boyle. OTHER: Oral Motion by the Government to Unseal Case. Motion GRANTED. (Recorded by COURTSMART.) Hearing held 3:30 PM to 3:33 PM. (MAP) (Entered: 01/12/2017)
01/12/2017	<u>4</u>	*NOTICE OF ATTORNEY SUBSTITUTION: Jillian Besancon appearing for USA. (Besancon, Jillian) *Modified on 1/13/2017; wrong PDF document attached, attorney notified to re-file correct document* (REW). (Entered: 01/12/2017)
01/12/2017	<u>7</u>	MINUTE ENTRY for proceedings held before Magistrate Judge John Z Boyle: Oral Argument re: Detention as to Michael Persaud held on 1/12/2017. Defendant ordered released with conditions. Identity Hearing waived. Warrant

		of Removal will not be issued. Order to follow setting forth date and time for defendant to appear in the prosecuting district. Appearances: AUSA Jillian Besancon for the Government, AFD Jane McClellan for defendant. Defendant is present and in custody. (Recorded by COURTSMART.) Hearing held 4:19 PM to 4:40 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SMH) (Entered: 01/12/2017)
01/12/2017	<u>10</u>	WAIVER of Rule 5 and 5.1 Hearings by Michael Persaud. (RMV) (Entered: 01/13/2017)
01/12/2017	<u>11</u>	ORDER Setting Conditions of Release as to Michael Persaud. Signed by Magistrate Judge John Z. Boyle on 01/12/2017.(RMV) (Entered: 01/17/2017)
01/13/2017	<u>8</u>	NOTICE TO FILER OF DEFICIENCY re: <u>4</u> Notice of Attorney Appearance/Substitution - USA filed by USA. Incorrect PDF attached. <i>FOLLOW-UP ACTION REQUIRED:</i> Please refile corrected document. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (REW) (Entered: 01/13/2017)
01/13/2017	<u>9</u>	NOTICE OF ATTORNEY SUBSTITUTION: Jillian Besancon appearing for USA. Attorney Amy Elizabeth Brown terminated . <i>Corrects PDF attachment <u>4</u> pursuant to deficiency notice 8 .</i> (Besancon, Jillian) (Entered: 01/13/2017)
01/18/2017	<u>12</u>	ORDER TO APPEAR as to Michael Persaud. Defendant required to appear in the Northern District of Illinois on 01/23/2017 at 11:00 AM before Magistrate Judge Susan E. Cox. Signed by Magistrate Judge John Z. Boyle on 01/18/2017. (see attached PDF for complete details) (ESL) (Entered: 01/18/2017)
01/18/2017	<u>13</u>	Notice to the Northern District of Illinois of a Rule 5 or Rule 32 Initial Appearance as to Michael Persaud. Your case number is: 16 CR 793. Please use PACER Court Links to access the public docket and documents. Any necessary sealed or ex parte documents will be sent in a separate e-mail. <i>(If you wish to designate a different email address for future transfers, please send your request to the national list host at InterdistrictTransfer_TXND@txnd.uscourts.gov.)</i> (ESL) (Entered: 01/18/2017)

PACER Service Center			
Transaction Receipt			
01/19/2017 09:31:44			
PACER Login:	riveraml:4534897:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:17-mj-08020-JZB
Billable Pages:	2	Cost:	0.20

AO 467 (Rev. 01/09) Order Requiring a Defendant to Appear in the District Where Charges are Pending and Transferring Bail

UNITED STATES DISTRICT COURT

for the

District of Arizona

United States of America

v.

Michael Persaud

Defendant

Case No. 17-08020MJ

Charging District: Northern District of Illinois,
Eastern Division

Charging District's Case No. 16 CR 793

**ORDER REQUIRING A DEFENDANT TO APPEAR IN THE DISTRICT
WHERE CHARGES ARE PENDING AND TRANSFERRING BAIL**

After a hearing in this court, the defendant is released from custody and ordered to appear in the district court where the charges are pending to answer those charges. If the time to appear in that court has not yet been set, the defendant must appear when notified to do so. Otherwise, the time and place to appear in that court are:

Everett McKinley Dirksen U.S. Courthouse Place: 219 South Dearborn Street, 20 th Floor Chicago, Illinois 60604 Before Magistrate Judge Susan E. Cox	Courtroom No.: 1025, 10 th floor Date and Time: 1/23/17 at 11:00 AM
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The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of the court where the charges are pending.

Date: Jan 18, 2017

*Judge's signature*John Z. Boyle, United States Magistrate Judge*Printed name and title*

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JAN 12 2017	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA BY <u>SMH</u> DEPUTY	

AO 466A (Rev. 12/09) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT
for the
District of Arizona

United States of America

v.

Case No. 17-8020 MJ

Michael Persaud
Defendant

Charging District's Case No. 16CR793

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court)

~~Northern District~~
of Illinois

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

1/12/17

Michael Persaud

Defendant's signature

Jane McKellan

Signature of defendant's attorney

Printed name of defendant's attorney

United States District Court--District of Arizona - Phoenix
Order Setting Conditions of Release

DATE: 1/12/17

CASE NUMBER: 17-8020MJ

USA vs. Michael Persaud

☒ PERSONAL RECOGNIZANCE☐ AMOUNT OF BOND _____☐ UNSECURED☐ SECURED BY _____

SECURITY TO BE POSTED BY _____

NEXT APPEARANCE as directed through counsel

☐ 401 West Washington St., Phoenix, AZ, Courtroom #, Floor☐ Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JAN 12 2017	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>SMA</u>	DEPUTY

IT IS ORDERED THAT DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS AND SHALL:

- ☒ appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☒ not commit any federal, state or local crime.
- ☒ cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- ☒ immediately advise court, defense counsel and U.S. Attorney in writing of change in address/telephone number. The defendant shall reside in Scottsdale, AZ and shall not change his address without **PRIOR** approval from Pretrial Services. Defendant is to notify Pretrial Services from week to week as to which residence he will be residing at the following week (by Monday).
- ☐ maintain or actively seek verifiable employment or (combination of work/school) if defendant is physically or medically able and provide proof of such to Pretrial Services.
- ☒ not travel outside of: the United States
except Defendant may travel directly to the prosecuting district, and through all states and counties in between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences only unless express PRIOR Court or Pretrial Services permission is granted to do so.
- ☐ avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), family members of victim(s)/witness(es), and/or () the custodial parent, except Defendant may communicate with custodial parent solely for visitation purposes with his/her minor child(dren): _____
- ☒ report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.
- ☐ report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.
- ☐ execute an agreement to forfeit upon failing to appear as required, the bond or designated property: _____
- ☐ be placed in the third party custody of _____
- ☒ refrain from ☐ any ☒ excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 U.S.C. 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice. This provision does not permit the use or possession of medicinal marijuana even with a physician's written certification.
- ☒ participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services. The defendant shall not interfere, obstruct or tamper in any way with the administration of any Court ordered substance abuse testing.
- ☒ surrender all travel documents to Pretrial Services by 5:00 PM on 1/17/17 and will not obtain a passport or other travel document during the pendency of these proceedings.
- ☐ obtain no passport or other travel documents during the pendency of these proceedings.
- ☐ not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- ☒ maintain weekly contact with his/her attorney by Friday, noon of each week.
- ☐ timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of \$ _____
- ☐ actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.
- ☐ not access via computer or possess any photographs or videos of sexually explicit conduct as defined by 18 U.S.C. § 2256(2).
- ☒ surrender any and all of his medical marijuana cards to Pretrial Services by 1/17/17.

16 cr 793

ADVICE OF PENALTIES AND SANCTIONS

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a \$250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a \$250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering /delaying /preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a \$250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of \$250,000, or both, to retaliate against a witness, victim or informant, or threaten or attempt to do so.

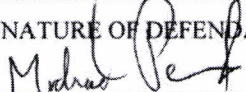
It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for: (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both; (2) an offense punishable by imprisonment for a term of five years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both; (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both; (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE 1/12/17	SIGNATURE OF DEFENDANT 
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Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)

Directions to United States Marshal:

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release.

DATE: 1/12/17


JOHN Z. BOYLE
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY

ADDITIONAL CONDITIONS OF RELEASE

- ☐ The defendant shall participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.
- ☐ **(Curfew)** You are restricted to your residence every day ☐ from ____ to ____, or ☐ as directed by the supervising officer.
 - ☐ **(Home Detention)** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer.
 - ☐ **(Home Incarceration)** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.
- ☐ Submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology. The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising office determines.
- ☐ Location monitoring technology at the discretion of the officer
 - ☐ Radio Frequency (RF) Monitoring
 - ☐ Passive GPS Monitoring
 - ☐ Active GPS Monitoring
- ☒ The defendant will participate in the Computer Monitoring Program as directed by the Pretrial Services Office and follow all rules and regulations of the program. The defendant will incur the cost of monitoring services as directed by Pretrial Services. Additional conditions of the Computer Monitoring Program are as follows:
- ☐ The defendant shall not establish any email accounts or internet service providers unless previously authorized by Pretrial Services. The defendant shall provide financial documents as requested by Pretrial Services to confirm compliance with this condition.
 - ☐ The defendant shall not use a computer to access any pornographic, sexually explicit or stimulating material in any form as directed by 18 U.S.C. § 2256(2) and shall immediately contact Pretrial Services to report access to any restricted site.
 - ☒ The defendant shall not possess any devices which allow access to the Internet such as satellite dishes, Personal Digital Assistants (PDAs), electronic games, web-televisions, Internet appliances, and cellular telephones unless authorized by Pretrial Services.
- ☐

ACKNOWLEDGMENT OF DEFENDANT

DATED THIS 12th DAY OF January, 2017.